

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

PATRICK-JOSEPH GROULX and
CAROL JEAN GROULX

Plaintiffs,

Case No. 1:21-cv-10811

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

DOLLAR GENERAL CORPORATION, *et al.*,

Defendants.

**OPINION AND ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING THE COMPLAINT**

This matter is before the Court pursuant to Magistrate Judge Patricia Morris' Report and Recommendation. ECF No. 8. On March 29, 2021, Plaintiffs Patrick-Joseph Groulx and Carol Jean Groulx filed a pro se complaint against 34 defendants, including Defendant Dollar General Corporation. ECF No. 1. Plaintiffs applied for and were subsequently granted leave to proceed without prepaying fees and costs. ECF Nos. 2, 7. All pretrial matters were referred to Magistrate Judge Morris. ECF No. 6. The Magistrate Judge subsequently screened the Complaint under 28 U.S.C. § 1915(e)(2)(B) and, on May 7, 2021, issued her Report and Recommendation.

In the Report and Recommendation, Magistrate Judge Morris provides the following background on the case:

In their Complaint, Plaintiffs allege that "defendant is about to build a business where hazardous chemicals are deployed and where the general public will sustain injuries from the hazardous chemicals." (ECF No. 1, PageID.2.) Plaintiffs claims [sic] that Defendants have purchased 10 acres of land adjacent to and across from properties where "hazardous chemicals are deployed" that have caused Plaintiffs health problems including "vomiting, severe diarrhea, thyroid being damaged now have AIDS." (*Id.*) Plaintiffs claim that "[i]f [Defendants] build[] a business [in this area] the medical issues that Plaintiff is suffering from will be the same problems or worse to the people that will frequent the establishment." (*Id.* at PageID.3.)

Plaintiffs “demand an injunction against [Defendants] from building a business [in the area] that deploy hazardous chemicals . . . to prevent what has happened to Plaintiff[s] over the years[.]” (*Id.* at PageID.4.)

ECF No. 8 at PageID.26–27. As Magistrate Judge Morris explained, however, Plaintiffs have not alleged sufficient facts demonstrating Article III standing against Defendants:

Plaintiffs do not allege that the building of certain businesses in a particular location has caused chemical exposure to the general public, only that [they] believe[] it will. Further, Plaintiffs appear to argue that they are not concerned about chemical exposure *themselves* from this new building, but rather that the “general public” will suffer. Plaintiffs do not specify a financial or any other interest they have in the property upon which they claim businesses will be built. And Plaintiffs do not specify a particularized harm that has happened, or to whom in particular this harm may happen. I also note that it is unclear from the Complaint precisely how a new business, unrelated to the existing businesses and properties in the area, but only built near property Plaintiffs claim caused them chemical exposure, would lead to even more chemical exposure. Any injury in fact here is “conjectural or hypothetical,” and Plaintiffs have not established a causal connection between these new businesses and any harm Plaintiffs believe may happen to the general public as a result. [*Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992)].

ECF No. 8 at PageID.28–29. Accordingly, Magistrate Judge Morris recommended that the Complaint be dismissed for lack of standing.

Although the Report and Recommendation states that the parties could object to and seek review of the recommendation within 14 days of service, no objections have been filed. The election not to file objections to the Report and Recommendation releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal. *Id.*

Accordingly, it is **ORDERED** that Magistrate Judge Morris’ Report and Recommendation, ECF No. 8, is **ADOPTED**.

It is further **ORDERED** that the Complaint, ECF No. 1, is **DISMISSED**.

Dated: June 3, 2021

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge